

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

**SOUTHWEST REFRIGERATED WAREHOUSING
SERVICES JOINT VENTURE,**

Plaintiff,

v.

No. 3:20-cv-60

**YOUNG GUNS, INC., CHRIS FRANZOY
and TAMMY FRANZOY,**

Defendants.

NOTICE OF REMOVAL

Defendants Young Guns, Inc., Chris Franzoy and Tammy Franzoy, by and through their counsel, MYNATT MARTÍNEZ SPRINGER P.C. (Sara E. Woods), and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, provide notice of removal of this action to the United States District Court for the Western District of Texas. In support of removal, Defendants state the following:

1. On February 26, 2020, Plaintiff filed a breach of contract lawsuit against Defendants in County Court at Law 3 of El Paso County, Texas, styled *Southwest Refrigerated Warehousing Services Joint Venture v. Young Guns, Inc., Chris Franzoy and Tammy Franzoy*, Cause No. 2020 DCV0708.

2. Defendants have not been served with process but were provided a courtesy copy of *Plaintiff's Original Petition and Request for Disclosure* via email on February 27, 2020.

3. According to the Petition, Plaintiff is a Texas joint venture doing business in El Paso County, Texas. [Plaintiff's Original Petition, ¶ 2].

4. Defendant Young Guns, Inc. is a New Mexico corporation with its principle place of business in New Mexico.

5. Defendants Chris Franzoy and Tammy Franzoy are residents of New Mexico.

6. According to the Petition, Plaintiff seeks actual economic damages in an amount not less than \$350,000.00. [Plaintiff's Original Petition, ¶ 19].

7. This Court has jurisdiction pursuant to 28 U.S.C. § 1441, and this case arises under 28 U.S.C. § 1332 because there is complete diversity between the parties and an amount in controversy in excess of \$75,000.

8. The United States District Court for the Western District of Texas is the proper Court to remove actions from El Paso County, Texas.

9. Pursuant to 28 U.S.C. § 1446, Defendants have attached copies of all process, pleadings, and orders that have been filed in this matter hereto as **Exhibit A**.

10. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within thirty (30) days after Defendants received a courtesy copy of the initial pleading from Plaintiff on February 27, 2020.

11. All Defendants consent to removal.

12. Defendants will provide a copy of this Notice of Removal to Plaintiff and filed such with the clerk for County Court of Law 3 in El Paso County, Texas.

WHEREFORE, Defendants give notice that this action is removed to the United States District Court for the Western District of Texas.

Respectfully submitted,

MYNATT MARTÍNEZ SPRINGER P.C.



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CERTIFICATE OF DELIVERY

I hereby certify that on this 9th day of March 2020, a true and correct of the foregoing was served upon all counsel of record via email and the CM/EFC Filer System.

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SARA E. WOODS